



*17*  
PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Robert J. Bernardi, Steven F. Burson, Lawrence Gollbach,  
Allen Woo and James Bobisuthi

APPLICATION NO.: 09/854,172

FILING DATE: May 11, 2001

TITLE: AUTO-ADJUST NOISE CANCELING MICROPHONE WITH POSITION SENSOR

EXAMINER: Not Yet Known

GROUP ART UNIT: 2642

ATTY. DKT. NO.: 18864-06052US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: SEPTEMBER 7, 2001

By: *Martin S.C. Loui*  
Martin S.C. Loui, Reg. No.: 43,411

BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated July 11, 2001 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration;
- ☒ an original, signed Power of Attorney;
- ☒ an Application Data Sheet;
- ☒ payment in the amount of \$130.00 for the

- ☐ application filing fee;
- ☐ fee for additional claims; and
- ☒ missing parts surcharge.

☒ Other:      Amendment A

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
ROBERT J. BERNARDI, *et al.*

Dated: SEPTEMBER 7, 2001

By: Martin S.C. Loui  
Martin S.C. Loui, Reg. No.: 43,411  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7901  
Fax.: (650) 494-1417



PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/854,172	
	Filing Date	May 11, 2001	
	First Named Inventor	Robert J. Bernardi	
	Group Art Unit Number	2642	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	15	Attorney Docket Number	18864-06052US

**ENCLOSURES (check all that apply)**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Check Enclosed<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Response to Notice to File Missing Parts<br><input type="checkbox"/> Assignment & Recordation Cover Sheet<br><input checked="" type="checkbox"/> Declaration<br><input checked="" type="checkbox"/> Power of Attorney<br><input checked="" type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Information Disclosure Statement & PTO-1449<br><input type="checkbox"/> Copies of IDS Cited References<br><input type="checkbox"/> Request for Corrected Filing Receipt<br><br><input type="checkbox"/> Request for Correction of Recorded Assignment<br><input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Status Request<br><input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> Issue Fee Transmittal<br><input type="checkbox"/> Letter to Chief Draftsperson<br><input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br><i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> After Allowance Communication to Group<br><input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application<br><br><input checked="" type="checkbox"/> Amendment A<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
|--|---|

**REMARKS:****SIGNATURE OF ATTORNEY OR AGENT**

Signature:	<i>Martin S.C. Loui</i>	
Attorney/Reg. No.:	Martin S.C. Loui, Reg. No. 43,411	Dated: September 7, 2001

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	<i>Martin S.C. Loui</i>	
Typed or Printed Name:	Martin S.C. Loui	Dated: September 7, 2001
Express Mail Mailing Number (optional):		



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,172	05/11/2001	Robert J. Bernardi	18864-06052US

00758  
FENWICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

CONFIRMATION NO. 7206

## FORMALITIES LETTER



\*OC000000006281539\*

Date Mailed: 07/11/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

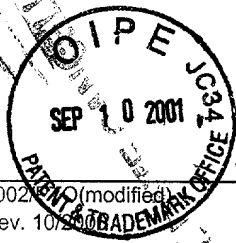
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



PTO/SB/17 (10-00)(modified)  
Approved for use through 09/29/01, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002 (modified)  
Rev. 10/2000 U.S. Department of Commerce  
Patent and Trademark Office

## FEE TRANSMITTAL

### TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$ 130.00)**

### Complete if Known

Application Number	09/854,172
Filing Date	May 11, 2001
First Named Inventor	Robert J. Bernardi
Group Art Unit	2642
Examiner Name	Not Yet Known
Attorney Docket Number	18864-06052US

### METHOD OF PAYMENT

#### 1. The Commissioner is hereby authorized to:

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account.†
- ☐ Applicant claims small entity status  
See 37 CFR 1.27

Deposit Account Number: 19-2555

Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

#### ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Other

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
147/\$2,520	147/\$2,520	For filing a request for reexamination	
115/\$110	215/\$55	Extension for response within first month†	
116/\$390	216/\$195	Extension for response within second month†	
117/\$890	217/\$445	Extension for response within third month†	
118/\$1,390	218/\$695	Extension for response within fourth month†	
128/\$1,890	228/\$945	Extension for response within fifth month†	
119/\$310	219/\$155	Notice of Appeal	
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	
143/\$440	243/\$220	Design Issue Fee	
122/\$130	122/\$130	Petitions to the Commissioner	
126/\$180	126/\$180	Submission of Information Disclosure Statement	
179/\$710	279/\$355	Request for Continued Examination (RCE)	
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify):			
Other fee (specify):			
<b>SUBTOTAL (3)</b>			<b>(\$ 130)</b>

### FEE CALCULATION (fees effective 10/01/2000)

#### FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	
106/\$320	206/\$160	Design Filing	
108/\$710	208/\$355	Reissue	
114/\$150	214/\$75	Provisional Filing	
<b>SUBTOTAL (1)</b>			<b>(\$ .00)</b>

#### 2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$80	202/\$40	Independent claims in excess of 3
104/\$270	204/\$135	Multiple dependent claim
109/\$80	209/\$40	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

(Col. 1)		(Col. 2)		(Col. 3)		Fee Due	
For	No of Existing Claims	Highest No. Previously Paid For		Extra**	Fee		
TOTAL		20 or 0	=		x	=	0
INDEP		3 or 0	=		x	=	0
[ ] First presentation of multiple dependent claim							

\* Subtract the greater number of Col. 2

\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

**SUBTOTAL (2)** **(\$ .00)**

#### SUBMITTED BY

Typed or Printed Name **Martin S.C. Loui**

Signature *Martin S.C. Loui*

#### Complete (if applicable)

Reg. Number **43,411**

Date **SEPTEMBER 7, 2001**